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APR 20 2017

in the Chambers of
Judge
Nicholas G. Garaufis

April 20, 2017

U.S. District Judge Nicholas Garaufis
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY

COURT EXHIBIT 2

Dear Judge Garaufis:

I am a member of the public and a reporter for Newsday covering the case of U.S. v Vinas, 08CR823. I am writing to request unsealing of materials submitted along with Docket #51, identified as documents "which relate to the defendant's discharge from the United States military."

The materials referenced in Docket #51 have been submitted in anticipation of your upcoming sentencing of Mr. Vinas, who has pleaded guilty to terrorism related crimes and cooperated with the government. In Docket #51, a letter from the government to you, the prosecutors say the documents are being submitted under seal because they "contain sensitive information about the defendant."

As you know, there is a presumption of access to court proceedings and judicial documents for the press and public under both our Constitution and the common law. This presumption covers sentencing and filings related to sentencing. It can be overcome only when a court makes specific, on the record findings of a compelling government interest in keeping materials secret, and any sealing must be narrowly tailored.

Materials that simply contain "sensitive information about the defendant" do not qualify. Criminal trials and sentencings are typically full of sensitive information about the defendant. That alone is a woefully insufficient basis for a court going dark and closing out the public.

In the case of Mr. Vinas, these documents apparently relate to the time before he went abroad. The public, like the court, needs to understand the personal events and mental processes that may have led to his crimes in order to assess whether he remains a risk, and thereby evaluate the decision you may make. Trust in the justice system is enhanced by transparency and diminished by secrecy.

Thank you for your attention to this request.

Yours truly,

John Riley
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Riley
Newbury

FILED
CLERK

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U.S. Dist Judge Nicholas ~~Carroll~~ ^{Port}
EDNY EASTERN DISTRICT
OF NEW YORK

225 Cadman Plaza
Brooklyn, NY